

BH:DHWhite:cb
145-12-4929

Telephone:
633-4269

MAR 11 1982

Committee on Grievances
c/o Office of the Clerk
United States District Court
United States Courthouse
Washington, D.C. 20001

Gentlemen:

The case of Julius Hobson, et al. v. Jerry Wilson, et al., Civil Action No. 76-1326, was tried before a six-person jury, United States District Judge Louis F. Oberdorfer presiding, from November 23 to December 23, 1981. The jury returned a verdict in favor of plaintiffs and awarded \$712,000 in compensatory and punitive damages. Before the verdict was returned, it was disclosed that counsel for plaintiffs had, on December 14, 1981, communicated with a juror who had previously been excused from the panel and instructed by the Court not to discuss the case with anyone.

We believe this matter warrants consideration by the Committee on Grievances. The facts pertinent to the communication with the juror are set out in the enclosed Affidavit and Complaint of David H. White and the enclosed portions of the trial transcript.

Counsel for the plaintiffs at the time of the events at issue were as follows:

Anne Pillsbury
17 Danforth Street
Norway, Maine 04268

Daniel M. Schember
J.E. McNeil
1712 N Street, N.W.
Washington, D.C. 20036

Herb Semmel
Burton Wechsler
Antioch School of Law
1624 Crescent Place, N.W.
Washington, D.C. 20009

174 - 10

00 - 20

10 - 100

10 - 100

Mary Pike
233 Broadway
Suite 670
New York, New York 10007

The record indicates that attorneys Anne Pilsbury and Mary Pike were principally involved in this matter. We do not know the extent of participation by the other counsel for plaintiffs.

My staff and I are, of course, available to provide any further assistance or information you may require. We are also referring this matter to the District of Columbia Bar Disciplinary Board.

Sincerely,

J. PAUL McGRATH
Assistant Attorney General

Enclosures

cc: Honorable Louis F. Oberdorfer
United States District Judge
Washington, D.C. 20001

Anne Pilsbury
17 Danforth Street
Norway, Maine 04268

Daniel M. Schember
J.E. McNeil
1712 N Street, N.W.
Washington, D.C. 20036

Herb Semmel
Burton Wechsler
Antioch School of Law
1624 Crescent Place, N.W.
Washington, D.C. 20009

Mary Pike
233 Broadway
Suite 670
New York, New York 10007

George N. Barclay
Assistant Corporation Counsel
District Building
Washington, D.C. 20004

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF PHYSICS
530 SOUTH EAST ASIAN AVENUE
CHICAGO, ILLINOIS 60607-7080
TEL: 773/936-5000
FAX: 773/936-5000
WWW: WWW.PHYSICS.UCHICAGO.EDU

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JAN 17 1994
PHYSICS DEPARTMENT
530 SOUTH EAST ASIAN AVENUE
CHICAGO, ILLINOIS 60607-7080
TEL: 773/936-5000
FAX: 773/936-5000
WWW: WWW.PHYSICS.UCHICAGO.EDU

MAR 11 1982

BH:DRWhite:cb
145-12-4929

Telephone:
633-4269

Mr. Fred Grabowski
Disciplinary Board
District of Columbia Bar
515 Fifth Street, N.W.
Washington, D.C. 20001

Dear Mr. Grabowski:

The case of Julius Hobson, et al. v. Jerry Wilson, et al., Civil Action No. 76-1326, was tried before a six-person jury, United States District Judge Louis F. Oberdorfer presiding, from November 23 to December 23, 1981. The jury returned a verdict in favor of plaintiffs and awarded \$712,000 in compensatory and punitive damages. Before the verdict was returned, it was disclosed that counsel for plaintiffs had, on December 14, 1981, communicated with a juror who had previously been excused from the panel and instructed by the Court not to discuss the case with anyone.

We believe this matter warrants consideration by the Committee on Grievances. The facts pertinent to the communication with the juror are set out in the enclosed Affidavit and Complaint of David H. White and the enclosed portions of the trial transcript.

Counsel for the plaintiffs at the time of the events at issue were as follows:

Anna Pillsbury
17 Danforth Street
Norway, Maine 04268

Daniel M. Schember
J.E. McNeil
1712 M Street, N.W.
Washington, D.C. 20036

Herb Sammel
Burton Wechsler
Antioch School of Law
1624 Crescent Place, N.W.
Washington, D.C. 20009

Mary Pike
233 Broadway
Suite 670
New York, New York 10007

The record indicates that attorneys Anne Pilabury and Mary Pike were principally involved in this matter. We do not know the extent of participation by the other counsel for plaintiffs.

My staff and I are, of course, available to provide any further assistance or information you may require. We are also referring this matter to the United States District Court Committee on Grievances.

Sincerely,

J. PAUL McGRATH
Assistant Attorney General

Enclosures

cc: Honorable Louis F. Oberdorfer
United States District Judge
Washington, D.C. 20001

Anne Pilabury
17 Danforth Street
Norway, Maine 04268

Daniel M. Schember
J.E. McNeil
1712 N Street, N.W.
Washington, D.C. 20036

Herb Semmel
Burton Wechsler
Antioch School of Law
1624 Crescent Place, N.W.
Washington, D.C. 20009

Mary Pike
233 Broadway
Suite 670
New York, New York 10007

George N. Barclay
Assistant Corporation Counsel
District Building
Washington, D.C. 20004

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA
WASHINGTON 20001

CHAMBERS OF

LOUIS F. OBERDORFER

UNITED STATES DISTRICT JUDGE

March 15, 1982

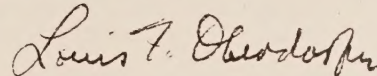
Committee on Grievances
c/o Office of the Clerk
United States District Court
United States Courthouse
Washington, D.C. 20001

Re: Julius Hobson, et al. v. Jerry Wilson,
et al., Civil Action No. 76-1326

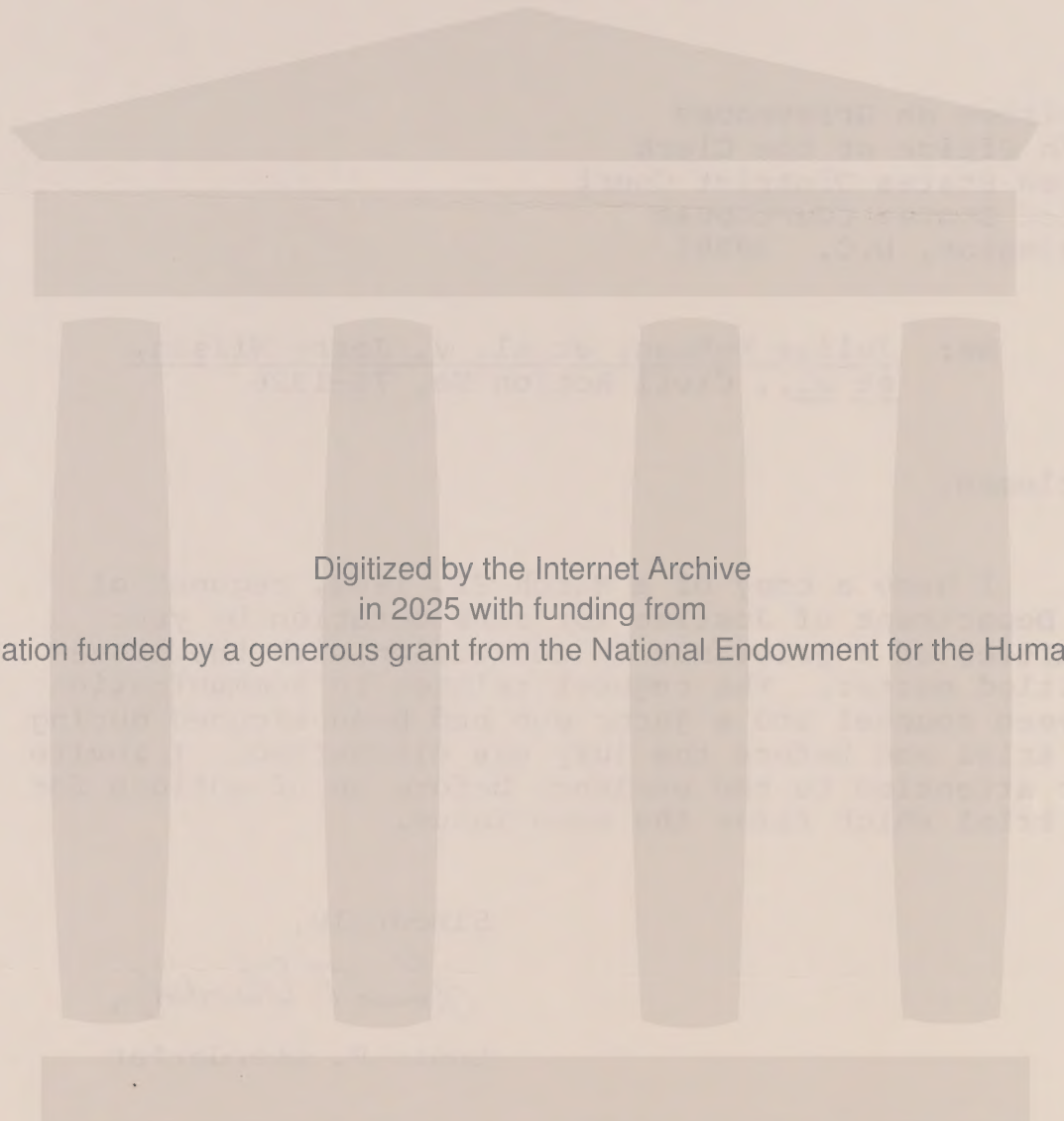
Gentlemen:

I have a copy of a March 22, 1982, request of the Department of Justice for consideration by your Committee of a grievance in connection with the above-entitled matter. The request relates to communications between counsel and a juror who had been excused during the trial and before the jury was discharged. I invite your attention to the pendency before me of motions for new trial which raise the same issue.

Sincerely,



Louis F. Oberdorfer



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cc:

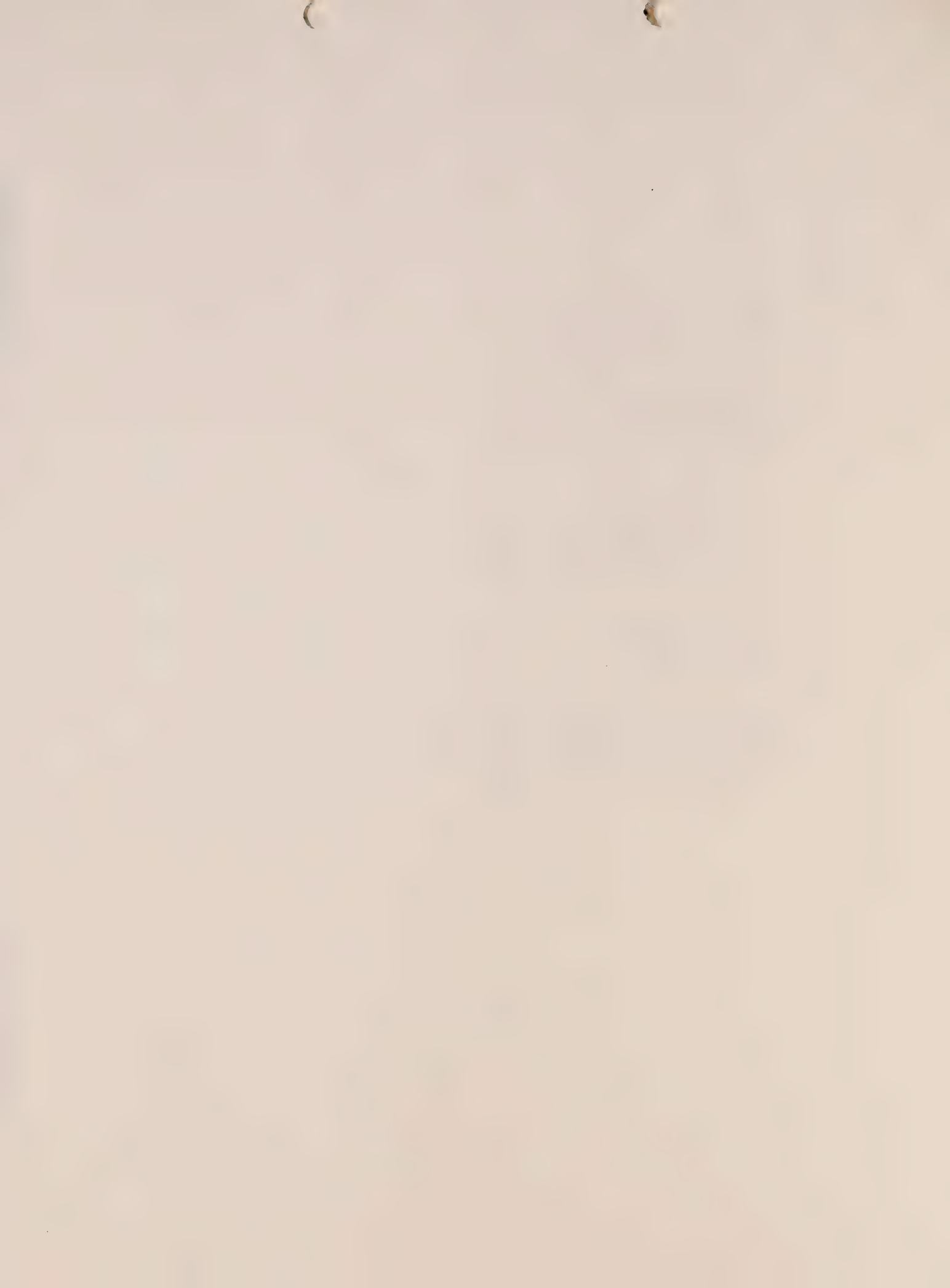
Anne Pilsbury
17 Danforth Street
Norway, Maine 04268

Daniel M. Schember
J.E. McNeil
1712 N. Street, N.W.
Washington, D.C. 20036

Herb Semmel
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Washington, D.C. 20009

Mary Pike
233 Broadway
Suite 670
New York, New York 10007

George N. Barclay
Assistant Corporation Counsel
District Building
Washington, D.C. 20004



Anne Pilsbury

ATTORNEY AT LAW

17 Danforth Street - Norway, Maine 04268

TELEPHONE
207 / 743-5583

CENTER LOVELL
207 / 925-1144

March 16, 1982

Mr. Fred Grabowski
Disciplinary Board
District of Columbia Bar
515 Fifth St. N.W.
Washington, D.C. 20001

Re: Hobson v Wilson

Dear Mr. Grabowski:

I am informed that my opposing counsel in the above case has filed a complaint against me with the Committee on Grievances. The facts that give rise to the complaint are adequately outlined in the Complaint and Affidavit of David H. White, trial attorney for the defendants in this case, and in the excerpts from the trial transcripts. While I believe there was no impropriety, intentional or unintentional, on my part, I would be happy to discuss the matter with you or your committee.

As the documents you have been sent make clear, this issue involves only myself and, to a lesser extent, Mary B. Pike. Attorneys Herb Semmel and Burton D. Wechsler made limited appearances in this case and were not involved in the trial, out of which this issue arises. My co-counsel at trial, Daniel M. Schember and J.E. McNeil, were of course told by me of the conversation with the former juror but only after it occurred.

Please let me know how you wish to proceed from this point. I would note that copies of the enclosures sent you were not attached to the letters sent to counsel. Since I participated in all the relevant discussions, I am able to rely on my memory but the other

attorneys listed in McGrath's letter to you would, I am sure, wish to see the transcripts upon which they are being accused, at least by implication, of participation in some improper conduct.

Sincerely yours,

Anne Pilsbury
Anne Pilsbury

AP:lp

cc: J. Paul McGrath
Asst. Attorney General
Dept. of Justice
9th & Penna. Ave. N.W.
Washington, D.C. 20530

Daniel M. Schember
J.E. McNeil
1712 N. Street N.W.
Washington, D.C. 20036

Herb Semmel
Antioch School of Law
1624 Crescent Place N.W.
Washington, D.C. 20009

Burton D. Wechsler
American University
Washington College of Law
Mass. & Neb. Ave. N.W.
Washington, D.C. 20016

Mary B. Pike
233 Broadway
New York, New York 10279

George N. Barclay
Assist. Corporation Counsel
District Building
Washington, D.C. 20004

Committee on Grievances
Clerk, U.S. District Court
U.S. Courthouse
Washington, D.C. 20001

United States District Court for the District of Columbia
Committee on Grievances
UNITED STATES COURT HOUSE
Washington, D. C. 20001

March 17, 1982

Honorable J. Paul McGrath
Assistant Attorney General
Civil Division
Room 3143
U.S. Department of Justice
10th Street & Pennsylvania Ave., N.W.
Washington, D. C. 20530

Re: Julius Hobson, et al. v. Jerry Wilson, et al.
Civil Action No. 76-1326


Dear Mr. McGrath,

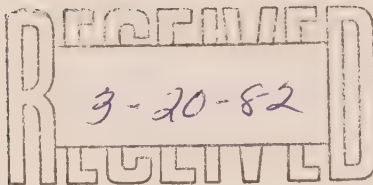
This will acknowledge receipt of your letter dated March 11, 1982, and the enclosed Complaint and Affidavit by David H. White, Trial Attorney, relating to alleged incidents connected with the above-entitled case now pending before Judge Louis F. Oberdorfer in this Court.

Under the Committee's procedures, no investigations (other than monitoring a case file) are undertaken while a case is still in active litigation in this Court.

Accordingly, the Committee will await the final outcome of the underlying litigation.

Sincerely,


Stephen A. Trimble, Esq.
Chairman



cc: Honorable Louis F. Oberdorfer, United States District Judge,
United States District Court for the District of Columbia
United States Court House
3rd Street and Constitution Ave., N.W.
Washington, D. C. 20001;

David H. White, Esq., U.S. Department of Justice, Civil Division, Room 3339,
10th Street and Pennsylvania Ave., N.W., Washington, D. C. 20530;

Anne Pilsbury, Esq., 17 Danforth Street, Norway, Maine 04268;

Daniel M. Schember, Esq., J.E. McNeil, Esq., 1712 N St., N.W., Wash., D.C. 20036

Mary Pike, Esq., 233 Broadway, Suite 670, New York, New York 10007; and

George N. Barclay, Assistant Corporation Counsel, District Building,
Washington, D. C. 20004

Herb Semmel, Esq., Burton Wechsler, Esq., Antioch School of Law, 1624 Crescent P.
N.W., Washington, D. C. 20009





OFFICE OF BAR COUNSEL

THE BOARD ON PROFESSIONAL RESPONSIBILITY
DISTRICT OF COLUMBIA COURT OF APPEALS

515 FIFTH STREET, N.W., BUILDING A
WASHINGTON, D.C. 20001
(202) 638-1501

CONFIDENTIAL

March 18, 1982

J. Paul McGrath, Esquire
Assistant Attorney General
Civil Division
Department of Justice
Washington, D.C. 20530

Re: Conduct of Attorneys in
Hobson, et al., v. Wilson
et al.

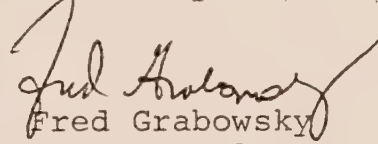
Dear Mr. McGrath:

Thank you for your letter of March 11, 1982 which transmitted materials relating to the contacting of released jurors by plaintiffs' counsel in the above case.

We note that you also referred this matter to the United States District Court Committee on Grievances. Because the matter involves litigation in that Court we are deferring inquiry pending disposition by that Committee. We understand that the matter also is the subject of further litigation and, therefore, disposition might have to await the outcome of the Court proceedings.

We thank you for bringing this matter to our attention and we will appreciate it if you will inform us on further developments.

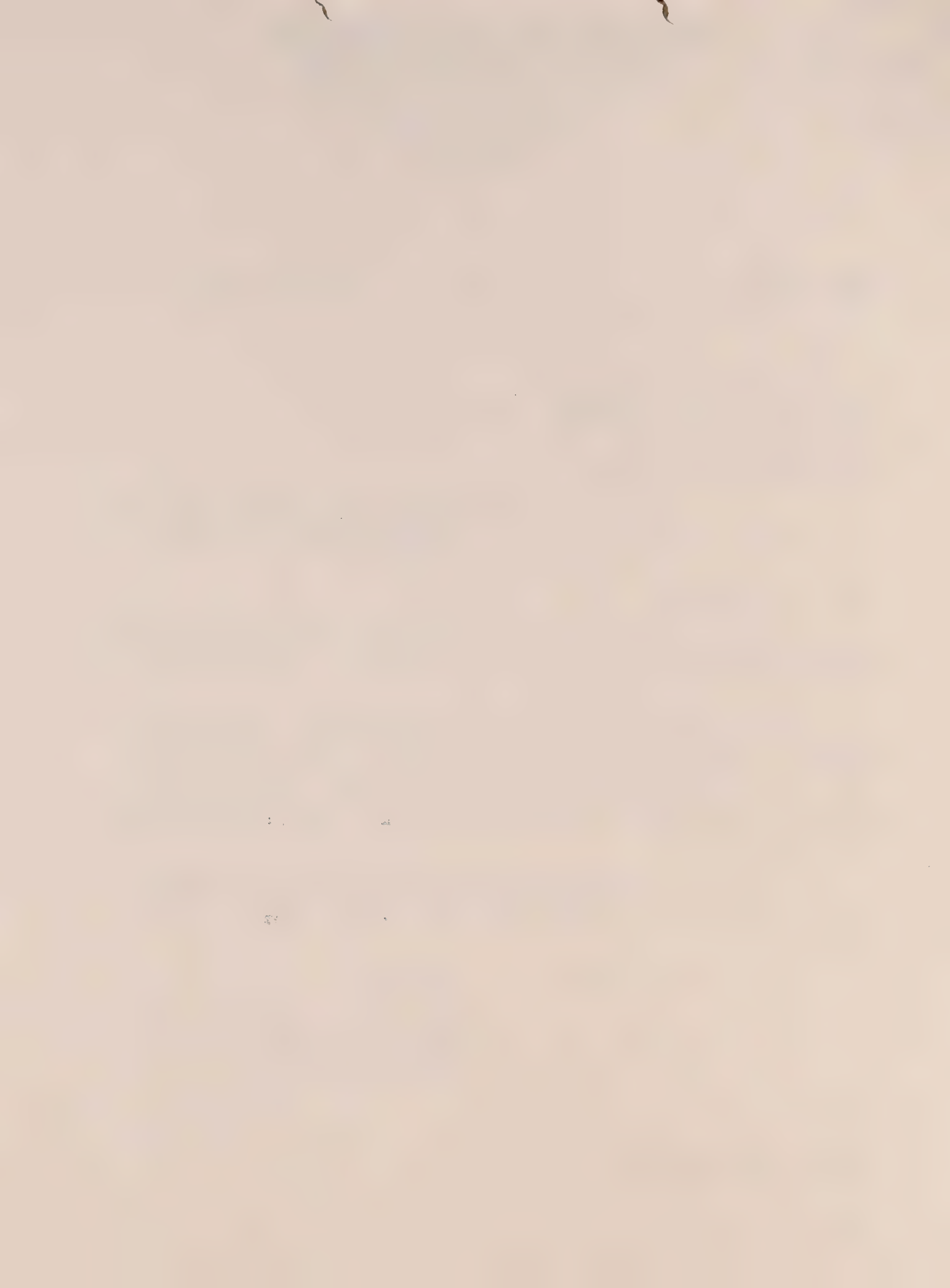
Sincerely,


Fred Grabowsky
Bar Counsel

Copy:

Robert Huey, Esquire
Committee on Grievances

FG/sep





OFFICE OF BAR COUNSEL

THE BOARD ON PROFESSIONAL RESPONSIBILITY
DISTRICT OF COLUMBIA COURT OF APPEALS

515 FIFTH STREET, N.W., BUILDING A
WASHINGTON, D.C. 20001
(202) 638-1501

CONFIDENTIAL

March 19, 1982

Ms. Anne Pilsbury
17 Danforth Street
Norway, Maine 04268

Re: Hobson v. Wilson

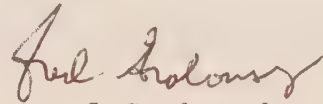
Dear Ms. Pilsbury:

Enclosed is a copy of my letter of March 18, 1982 to Assistant Attorney General McGrath. I believe that it is self explanatory and responds to the concerns expressed in your letter of March 16, 1982. Please contact me if you have any further questions.

I note your information concerning the role (or nonrole) of the various counsel. We will keep that on file for use as such time as our deferral ends. We then will consider what, if any, further inquiry should be made and of whom. Of course, any individual involved will have full opportunity to consult transcripts and other relevant materials.

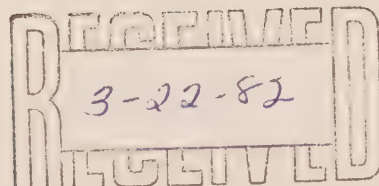
I am sending a copy of this letter and the attachment to each of the seven individuals listed as having been sent a copy of your letter of March 16.

Very truly yours,


Fred Grabowsky
Bar Counsel

FG:cb

Copy with attachment, as stated



SOMERSTEIN & PIKE

ATTORNEYS AT LAW

233 BROADWAY
THE WOOLWORTH BUILDING
NEW YORK, NEW YORK 10279

(212) 227-4530

March 19, 1982

John W. Karr, Esq.
Karr & Lyons
1435 G Street, N.W.
Suite 625
Washington, D.C. 20005

Dear John:

Enclosed please find all documents received to date bearing on the grievance lodged against Anne and me by the Department of Justice. I will make copies of those subsequently received available to you as I get them. I discussed the matter with Anne night before last, and she would be similarly pleased if we might call upon you as our counsel should such step eventually seem warranted. We can do so, however, only if you agree to compensation for your services. Don't deprive us of the counsel of our choice by making trouble over this point.

Best,

/s/

Enc.

SOMERSTEIN & PIKE

ATTORNEYS AT LAW

233 BROADWAY
THE WOOLWORTH BUILDING
NEW YORK, NEW YORK 10279

(212) 227-4530

April 1, 1982

John W. Karr, Esq.
Karr & Lyons
1435 G Street, N.W.
Suite 625
Washington, D.C. 20005

Dear John:

Enclosed please find copies of letters recently received bearing on the grievance filed against Anne and me by the Department of Justice. These two items will bring your file in this matter up to date. I have also enclosed a copy of a letter sent this date to Will from me. It summarizes where things stand at this point. Please know how gratified both Anne and I are that we can look to you and Will as counsel should representation become necessary.

Mick telephoned me on March 25th with the not-surprising news that the hearing in Napper, scheduled for the following day, had been adjourned. She did not know at that time what the adjourned date is, and I have not again heard from her or from Rose as to the date. Please advise me of it as soon as you know so that I may place it on my calendar.

I have thought frequently of you and Heidi over the past week, wondering how Ms. Washington's case is progressing. Will gave me a brief report on the 25th, and Judge Penn's rulings, at least at that point in time, struck me as very confusing.

As always, my best to everyone there. Steve sends his regards.

Best,

Enc.

SOMERSTEIN & PIKE
ATTORNEYS AT LAW

233 BROADWAY
THE WOOLWORTH BUILDING
NEW YORK, NEW YORK 10279
(212) 227-4530

April 1, 1982

William McLain, Esq.
Karr & Lyons
1435 G Street, N.W.
Suite 625
Washington, D.C. 20005

Dear Will:

Enclosed please find copies of all communications received to date concerning the grievance lodged against Anne and me by the Department of Justice. I had been looking forward to the pleasure of hand-delivering them to you this past Monday but my schedule changed, and regrettably I was not able to come to Washington as planned.

The most recent letter, that of Grabowsky to Anne, indicates that no action will be taken on this matter at present. I have discussed the grievance with Anne, and neither of us will respond to any inquiry from either the Court's Committee on Grievances or from bar counsel until we have consulted with you and John. For the present, we would like to make as little of the matter as possible, and for that reason, we would ask that you enter no appearance until such time as we receive formal notification from either the Committee on Grievances or from bar counsel. It definitely appears, however, that no action is imminent so, Will, look the papers over at your leisure, and should you then have any questions, of course, do not hesitate to call.

I hope at the very least that you are less harried than when we most recently spoke. How is the Washington case progressing? I am eager for news of developments.

Sincerely,

MARY BORESZ PIKE

MBP:sl
Enc.

SOMERSTEIN & PIKE

ATTORNEYS AT LAW

233 BROADWAY
THE WOOLWORTH BUILDING
NEW YORK, NEW YORK 10279

(212) 227-4530

July 2, 1982

John W. Karr, Esq.
Karr & Lyons
1435 G Street, N.W.
Suite 625
Washington, D.C. 20005

Dear John:

In answer to your question about our summer schedules: busy. I will be in Houston from July 3 through 12. Apart from that, neither of us has plans to be away.

Re: Oberdorfer exercise. He ruled on the post-trial motions June 1. (See copy of National Law Journal article of June 28, 1982.) The pages discussing our contact with the dismissed juror are enclosed. Neither Anne nor I has heard anything further either from Grabowsky or from the U.S.D.C. grievance committee, which would tend to indicate that Justice has not seen fit--after finding it necessary to file the grievance in the first place--to inform either that Oberdorfer has ruled and the matter is no longer sub judice. We're considering calling it to the attention of Grabowsky and the committee and forcing the issue, politely, of course. What do you think?

Sincerely,

MBP:rg
Enc.

MARY BORESZ PIKE

COMPLAINT AND AFFIDAVIT

I, David H. White, do swear and depose as follows:

1. I am employed as a Trial Attorney for the United States Department of Justice, Washington, D.C., and I am a member of the bar of the Commonwealth of Kentucky.

2. From November 23, 1981, to December 23, 1981, I participated as counsel for five defendants in the trial before a six person jury of Julius Hobson, et al. v. Jerry Wilson, et al., Civil Action No. 76-1326. The trial was presided over by United States District Judge Louis F. Oberdorfer.

3. On December 3, 1981, Judge Oberdorfer excused Mrs. Evelyn Sidransky from the jury because she had failed to arrive that day in time for resumption of trial. An alternate juror was seated in her place. Judge Oberdorfer held a brief conference in his chambers with Mrs. Sidransky, and having excused her, requested that she not talk about the case with any juror or with anyone else. Also present at this conference were Laura Bonn, counsel for the District of Columbia defendants; Anne Pilsbury, counsel for plaintiffs; and David White, counsel for the federal defendants.

4. On December 14, 1981, alternate juror Ronald R. Pollard was excused by Judge Oberdorfer. On December 16, at a bench conference, the Judge advised counsel that Mr. Pollard had called the jurors' lounge and stated that an attorney had been trying to get in touch with him about the case. Judge Oberdorfer stated that he was arranging to have Mr. Pollard come in to explain, for the record, what had occurred. Mr. Pollard appeared that afternoon and explained that an attorney named Mary Pike had called his home, but he had not actually talked to her. Attorney Anne Pilsbury then stated that attorney Pike had called him on her behalf. She apologized to the Court, explaining that neither she nor Mary Pike had been aware that such a communication was prohibited by the local rules of the district court. She further advised the Court that no actual communication with Mr. Pollard had occurred.

5. On December 17, 1981, I inquired through the Court whether plaintiffs had attempted to communicate with Mrs. Evelyn Sidransky. Attorney Pilsbury admitted that attorney Mary Pike had called Mrs. Sidransky on the afternoon of December 14 and discussed the case with her. Judge Oberdorfer then ordered that attorney Pike appear in Court to explain the conversation.

6. Attorney Mary Pike appeared in Court on December 18, 1981, pursuant to Judge Oberdorfer's order. She explained that she had telephoned Mrs. Sidransky following the close of evidence on December 14, and she described the conversation that occurred. Also on December 18, Mrs. Sidransky appeared for a chambers conference and explained her version of the conversation.

7. Counsel of record for plaintiffs as of December 14, 1981, were

Anne Pilsbury
17 Danforth Street
Norway, Maine 04268

Daniel M. Schember
J.E. McNeil
1712 N Street N.W.
Washington, D.C. 20036

Herb Semmel
Burton Wechsler
Antioch School of Law
1624 Crescent Place, N.W.
Washington, D.C. 20009

8. Attorney Mary Pike entered her appearance for plaintiffs on December 15, 1981, during a conference on the jury instructions. She described herself as a member of the bar of New York and as an inactive member of the bar of the District of Columbia. Her present address is believed to be 233 Broadway, Suite 670, New York, New York 10007.

9. The conduct of plaintiffs' counsel violated the specific instruction of Judge Oberdorfer that Mrs. Sidransky not discuss with anyone the case on which she had sat as a juror. Furthermore, this conduct appears to violate Rule 1-28 of the Rules of the United States District Court for the District of Columbia.

10. Portions of the transcript of proceedings on December 3, 16, 17, and 18, 1981, are attached.

David H. White
DAVID H. WHITE

Sworn to and subscribed before me
this 9th day of March, 1982.

Pamela M. Stanford
NOTARY PUBLIC

My Commission expires February 14, 1983.

